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January 24, 2002

Honorable Colleen Kollar-Kotelly  
U.S. District Court  
District of Columbia  
C/O Ms. Renata B. Hesse  
United States Department of Justice  
Antitrust Division  
601 D Street NW, Suite 1200  
Washington, DC 20530-0001

Dear Judge Kollar-Kotelly,

With regard to the settlement of the Department of Justice and Microsoft in U.S. v Microsoft I would like to raise a few issues. It appears Microsoft will continue to have a monopoly in the marketplace. Expansion will only increase the corporation's ability to intimidate smaller companies as they make an effort to produce software at more affordable prices.

At a time when development of financial services, updated cable services and the internet are offering challenges to many small and midsize companies to be creative in new uses, the inability of a company to progress without compatibility with Microsoft is a major stumbling block. Microsoft in theory may not keep a vendor from developing or distributing software, even if it might be competition, but Microsoft itself will determine if a company's information technology might adversely affect Microsoft's security or its software.

Compatibility with Microsoft Windows is essential and Microsoft makes the determination as to which technologies will be compatible thus limiting the ability for companies whose technologies are not included to proceed.

The oversight of the settlement offers additional problems in that Microsoft will be responsible for the appointment of one individual on the technical

committee. In addition the Department of Justice appoints one other and the two must agree on the third. The committee must identify violations of the settlement. In addition it must hear complaints from the companies whose products are not compatible. It is highly unlikely that a challenge will be made against a company which essentially controls the monopoly which at some point may well control the smaller companies ability to develop future software.

Although Microsoft will comply with these lenient restrictions it will only be required for five years. This seems a short time for a penalty for violating antitrust law.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark T. Collins', written in a cursive style.

Mark T. Collins

CC: Honorable Tom Reilly  
Attorney General  
Commonwealth of Massachusetts